

CR1 About the CALFED Bay-Delta Program and the Programmatic Nature of the Document

The CALFED Bay-Delta Program is using a three phase process to develop a long-term solution to the problems of the Bay-Delta system. By the end of Phase I, the Program described three program alternatives for further refinement and analysis in Phase II. These three alternatives represented combinations of actions that address each of the problems in the Bay-Delta's four critical areas. Moreover, these alternatives represent concepts, not project-level proposals. They focus on identifying a range of balanced actions that might be undertaken to address the Bay-Delta problems - not when, where and how specific actions should be taken to address these problems.

Three concurrent efforts have been undertaken during Phase II:

- Identification of the preferred program alternative and completion of Draft PEIS/EIR presenting a broad environmental review of the consequences of the various alternatives;
- Refinement of components making up the alternatives including development of strategies, such as technical, operational, financial, institutional (governance) and assurances, for implementing the alternatives; and
- Identifying and attaining agreement on planning for early implementation (Stage 1) actions.

These concurrent efforts, during Phase II, have proven to be confusing to readers of the draft programmatic EIS/EIR.

Many comments supported or opposed only one program element exclusively; but a fuller understanding of the whole CALFED Bay-Delta Program is needed to put the Program and the PEIS/EIR in its proper perspective. For example, many comments stated that water conservation alone is the solution to water management; a fuller understanding of why water conservation alone cannot meet CALFED's Program objectives is best addressed through a description of the CALFED Bay Delta Program's mission, and how water conservation fits into meeting that overall mission together with the basic objectives of the CALFED Bay-Delta Program. Additional information about the overall CALFED Bay-Delta Program is presented in Chapter 1 and Attachment B of the PEIS/EIR and the Revised Phase II Report appendix.

The second part of this response addresses those comments which expressed concern about the "programmatic" nature of the PEIS/EIR, such as the descriptions are too vague or that there was not enough "hard science" to make a decision. Essentially, the PEIS/EIR addresses the impacts of a long-term plan and not specific ground disturbing projects or other actions. These site-specific projects will be reviewed in second-tier environmental documents. Additional information concerning the programmatic nature of the PEIS/EIR can be found in the Preface of the PEIS/EIR.

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**CALFED BAY-DELTA PROGRAM
MISSION STATEMENT, OBJECTIVES
AND SOLUTION PRINCIPLES**

The mission of the CALFED Bay-Delta Program is to develop a long-term comprehensive plan that will restore ecological health and improve water management for beneficial uses of the Bay-Delta system.

CALFED developed the following objectives for a solution:

- Provide good water quality for all beneficial uses;
- Improve and increase aquatic and terrestrial habitats and improve ecological functions in the Bay-Delta to support sustainable populations of diverse and valuable plant and animal species
- Reduce the mismatch between Bay-Delta water supplies and current and projected beneficial uses dependent on the Bay-Delta system
- Reduce the risk to land use and associated economic activities, water supply, infrastructure and the ecosystem from catastrophic breaching of Delta levees.

In addition, any CALFED solution must satisfy the following **solution principles**:

- ***Reduce Conflicts in the System*** Solutions will reduce major conflicts among beneficial uses of water.
- ***Be Equitable*** Solutions will focus on solving problems in all problem areas. Improvements for some problems will not be made without corresponding improvements for other problems.
- ***Be Affordable*** Solutions will be implementable and maintainable within the foreseeable resources of the Program and stakeholders.
- ***Be Durable*** Solutions will have political and economic staying power and will sustain the resources they were designed to protect and enhance.
- ***Be Implementable*** Solutions will have broad public acceptance and legal feasibility, and will be timely and relatively simple to implement compared with other alternatives.
- ***Have No Significant Redirected Impacts*** Solutions will not solve problems in the Bay-Delta system by redirecting significant negative impacts, when viewed in their entirety, within the Bay-Delta or to other regions of California.

CR1.1 About the CALFED Bay-Delta Program. The CALFED Bay-Delta Program is a cooperative, interagency effort of state and federal agencies with management or regulatory responsibilities for the Bay-Delta region which was formed to address the tangle of complex issues that surrounds the Delta. The CALFED Program is a collaborative effort including representatives of agricultural, urban, environmental, fishery, and business groups as well as local governments and water and irrigation districts, who have contributed to the process. The Bay-Delta Advisory Council (BDAC), a 34-member federally chartered citizens' advisory committee, provides formal comment and advice to the agencies during regularly scheduled public meetings. In addition, the CALFED process has included members of the public in development of

every Program component from ecosystem restoration to financing. Stakeholders participating in the CALFED process have identified significant concerns about virtually every component in the Program. CALFED has encouraged and solicited members of the public to review and comment on proposals and technical supporting material.

The CALFED mission, objectives, and solution principles shown in the box below guide how the Program will be implemented. Carrying out the mission, achieving the objectives, and adhering to the solution principles will ensure that CALFED fulfills its commitment to continuous improvement in all of the four problem areas.

The CALFED Bay-Delta Program was established to reduce conflicts in the system by solving problems in ecosystem quality, water quality, water supply reliability, and levee and channel integrity. The Program seeks to do this by carrying out the Preferred Program Alternative (PPA) described in the PEIS/EIR. The PPA is a long-term comprehensive plan that will restore ecological health and improve water supply and water supply reliability for beneficial uses of the Bay-Delta system. When the projects and actions contained within the PPA are implemented, water quality will be improved to protect Delta drinking water supplies and improve the quality of aquatic habitat. Maintaining and improving the integrity of Delta levees and channels will protect agricultural, urban, and environmental uses within the Delta and protect the quality of water used elsewhere in the state. Water conservation and recycling programs can assure the efficient use of existing water supplies and any new supplies developed through the Program. Three fundamental concepts related to the Bay-Delta system and its problems have guided the development of proposed CALFED solutions. These concepts are not new, but CALFED has looked at them in new ways to develop options for solving problems successfully.

First, the four problem areas (ecosystem quality, water quality, water supply reliability, and levee system integrity) are inherently **interrelated**. CALFED cannot effectively describe problems in one problem area without discussing the other problem areas. It follows that solutions will be interrelated as well; many past attempts to improve a single problem area have achieved limited success because solutions were too narrowly focused.

Second, there is great variation in the flow of water through the system and in the demand for that water at any time scale that might be examined (from year to year, between seasons, even on a daily basis within a single season). The value of water for all uses tends to vary according to its scarcity and timing of need versus supply. This leads to the need for an overall **water management strategy** to address water demand, water supply, and how the value of water can be maximized.

Finally, the solutions must be guided by **adaptive management**. The Bay-Delta ecosystem is exceedingly complex, and it is subject to constant change as a result of factors as diverse as global warming and the introduction of exotic species. CALFED will need to adapt management of the system as we learn from our actions and as conditions change.

As noted, the four problem areas are interrelated. In the past, most efforts to improve water

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supply reliability or water quality, improve ecosystem health, or maintain and improve Delta levees were single-purpose projects. A single purpose can keep the scope of a project manageable but may ultimately make the project more difficult to implement. The difficulty occurs because a project with narrow scope may help to solve a single problem but have impacts on other resources, causing other problems. This in turn leads to conflict. Ultimately no problem is solved, or one problem is solved while others are created.

The CALFED Program takes a different approach, recognizing that many of the problems in the Bay-Delta system are interrelated. Problems in any one problem area cannot be solved effectively without addressing problems in all four areas at once. This greatly increases the scope of our efforts but will ultimately enable us to make progress and move forward to a lasting solution.

Significantly, there are many linkages among the objectives in the four problem areas and among the actions that might be taken to achieve these objectives. Solving problems in four areas at once does not require a four-fold increase in the cost or number of actions. Most actions that are taken to meet program objectives, if carefully developed and implemented, will make simultaneous improvements in two, three, or even four problem areas.

What kinds of actions can be taken to solve problems in the Bay-Delta system? The actions can be grouped into categories of levee system improvements, water quality improvements, ecosystem restoration, water use efficiency, water transfers, watershed management, water storage, and Delta conveyance modifications. Specific actions range from physical restoration of habitat in the Delta to water conservation measures. Programmatic descriptions of the eight program elements are presented in Chapter 2 of the PEIS/EIR and the Phase II Report Appendix. More detailed descriptions being considered for the first stage of implementation are presented in the Implementation Plan Appendix. The Program Plan elements are summarized in Chapter 2 of the PEIS/EIR, and complete descriptions are contained in various Program Plan appendices. While CALFED will generally not rely on new regulations to implement Program objectives, it does recognize that existing regulatory programs will continue to be implemented by CALFED agencies. CALFED represents a unique opportunity to provide high-level coordination of these regulatory programs so that regulatory implementation works in furtherance of CALFED Program goals. The CALFED Bay-Delta Program specifically defines incentives and voluntary partnerships to implement many individual actions in the Program. Incentives allow stakeholders to participate in CALFED actions which may not have been economical to them without the incentives. Partnerships allow stakeholders and CALFED agencies to leverage their individual resources by teaming on certain actions.

Some regulations, like those contained in the State and federal Endangered Species Acts (ESA) and Section 404 of the Clean Water Act, are ones that CALFED must satisfy as the Program is implemented. Many other regulatory actions can be made more effective and constructive as a result of CALFED actions. For example, water quality regulatory agencies are obligated to develop total maximum daily loads (TMDLs) for certain water quality constituents in the Bay-

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Delta system. CALFED efforts in monitoring and research will provide valuable information which will assist regulatory agencies in developing these TMDLs. CALFED incentive based source control actions will help reduce the load of these and other pollutants. In this way, many ongoing regulatory requirements will be easier to satisfy in the context of the CALFED Bay-Delta Program.

The Program was divided into three discrete phases, Phase I, Phase II and Phase III. In Phase I, completed in September 1996, CALFED identified the problems confronting the Bay-Delta, developed a mission statement and guiding principles, and devised three preliminary categories of solutions for Delta water conveyance.

Following scoping, public comment, and agency review, CALFED concluded that each Program alternative would include a significant set of Program elements addressing problems for levee system integrity, water quality improvements, ecosystem restoration, and water use efficiency measures. Two additional elements (water transfers and watershed management) were added to each alternative because of their value in helping the Program meet its multiple objectives. These six program elements have generally been referred to as the *common programs*. In addition, CALFED identified three preliminary alternatives to be further analyzed in Phase II. The three preliminary alternatives represented three differing approaches to conveying water through the Delta. The first conveyance configuration relied primarily on the existing conveyance system, with some minor changes in the south Delta. The second configuration relied on enlarging channels within the Delta. The third configuration included in-Delta channel modifications and a conveyance channel that would move some water around the Delta. Each of these alternatives also included consideration of a range of new ground and surface water storage options.

CALFED is completing Phase II, which ends at the completion of the Final PEIS/EIR. A PEIS/EIR, also referred to as a first-tier environmental document, is typically prepared for a series of actions that can be characterized as one large project and are included within the framework of the long-term plan for addressing Bay-Delta problems. In Phase II, CALFED developed a Preferred Program Alternative, conducted a comprehensive programmatic environmental review, and developed the implementation plan focusing on the first seven years (Stage 1) following the Record of Decision (ROD) and Certification for the PEIS/EIR.

In Phase III, the CALFED Bay-Delta Program becomes the program described in the Preferred Program Alternative, and implementation of specific actions and projects will begin. This period will include site-specific environmental review and permitting, as necessary. Because of the size and complexity of the Preferred Program Alternative, implementation is likely to take place over a period of decades. The implementation strategy designed during Phase II acknowledges this long implementation period and keeps all participants committed to the successful completion of all phases of implementation.

CR1.2 The Programmatic Nature of the Document. CALFED prepared a PEIS/EIR document that described in broad terms the range of environmental consequences of programs to carry out the CALFED mission. The programs evaluated in the PEIS/EIR contain hundreds of possible actions and projects that could be constructed and operated over a lengthy time period. A Programmatic EIS/EIR, also referred to as a first-tier document, is typically prepared for a series of actions that can be characterized as one large project and are included within the framework of the long-term plan for addressing Bay-Delta problems.

The analysis presented in the PEIS/EIR provides information to decision makers and the general public on the range of possible environmental consequences associated with the Preferred Program Alternative and other program alternatives. The analysis also presents decision makers and the general public an opportunity to understand the proposed sequence for implementing CALFED actions.

Some comments reflected concern that CALFED has already "made its decision" to implement the Preferred Program Alternative and is not really open to the PEIS/EIR process. Similar to those concerns are those that suggest that it is inappropriate for CALFED to defer decisions or projects in order to develop new material, such as the Integrated Storage Investigation, before the ROD. Concern is that there will not be enough time to review the new information before the ROD is certified. A consistent theme in comments assigned to CR 1 is that CALFED has not adequately addressed the assumptions used in its analysis, and that it has not quantified enough regarding cost, technological feasibility, and effects on various resources.

The analyses presented in the PEIS/EIR are intended to support the selection of a preferred program alternative at the general planning level, rather than the selection of specific actions. The Preferred Program Alternative will not, in itself, enact any changes in law, regulation or policy and will not authorize construction of any specific project. Instead, the PPA describes a set of actions which should be taken by a variety of organizations to move forward on a comprehensive approach to managing Bay-Delta resources. Some of these actions may require new legislation, some may require changes in operation of water supply projects, others may require government acquisition of land or water rights from willing sellers, and others could require the construction of new facilities.

As the Draft PEIS/EIR was prepared, work continued on developing more detail for the Program Plan appendices. Comments stated that the Program Plans contain more detail than the Draft PEIS/EIR. This is correct, however, the range of actions discussed in the PEIS/EIR contain all of the actions contained in the Program Plans. Therefore, the Program Plans will not cause any additional environmental consequences outside the range of effects described in the PEIS/EIR. Some comments suggested that the PEIS/EIR is too vague, while the Program Plans are too specific to be "programmatic," and these commentators have implied that this somehow violates NEPA and CEQA. However, the purpose of the Draft PEIS/EIR is to outline the alternatives that were considered, how the Preferred Program Alternative was selected, and what the potential environmental consequences of those alternatives might be to the affected resources. It is a

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general plan of how to solve the Bay-Delta problems and discusses in a broad brush level of detail the various ways the Program could affect environmental resources. The Program Plans present a collection of more specific actions that may be carried out to implement the Program in Phase III.

The Program Plans, however, have more details because these plans represent the efforts of CALFED and the stakeholders to keep the program moving forward with developing plans, objectives, and strategies without committing to a definite course of action while the PEIS/EIR is being completed. While the Program Plans discuss numerous ways or methods of achieving Program objectives, implementation will occur over a long period of time. Some of these projects may be carried out in the near term, and some may never be implemented, but those that are implemented will be carried out only after further evaluation is made as to their feasibility and environmental effects. Because the intent is for future site-specific documentation to tier from this programmatic document, it is beneficial at this programmatic stage to thoroughly describe as many of the ways of realistically achieving the goals of the program as possible. These Program Plans serve as guides to those agencies that will be carrying out individual Program elements. These plans were developed and refined through the public hearing (BDAC and others) and committee review process.

Assumptions used in the analysis are clearly laid out in the documentation, and were explained in several public meetings held throughout the process. The reader is referred to Chapter 10 and Attachment A of the PEIS/EIR for detailed information about the public review process and the assumptions, respectively, used in developing the Preferred Program Alternative.

As noted, in Phase III of the CALFED Program, second-tier or site-specific environmental documents will be prepared for individual projects, where potentially significant environmental impacts require such analysis. Second-tier documents will be prepared to concentrate on issues specific to the individual project being implemented and site(s) chosen for the action before construction can be initiated. In addition to the site-specific analysis, it is possible that further detailed system-wide, regional or statewide analyses may be necessary during Phase III to determine the effects of projects or actions with wide-reaching impacts.

As a programmatic plan-level document, the PEIS/EIR does not analyze site-specific impacts of future projects at proposed locations, and therefore cannot predict with certainty which impacts will occur and what site-specific mitigation measures are appropriate for second-tier projects. Consequently, the PEIS/EIR identifies mitigation strategies, approaches tailored to the type of impacts anticipated as a result of CALFED Program projects, which will provide the basis to structure more specific mitigation measures. For each potentially significant environmental impact, one or more mitigation strategies are identified. These mitigation strategies will be considered as part of second-tier environmental review by any agency proposing to undertake projects that are within the scope of this PEIS/EIR. Where a second-tier project involves impacts which are addressed in the PEIS/EIR, the applicable mitigation strategies can be used to formulate site-specific mitigation measures and enforcement programs. The commitment to

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consider mitigation strategies, and to apply and enforce mitigation measures pursuant to those strategies, will be included in the ROD for the federal lead agencies and the findings adopted by the California Resources Agency. In addition, any State or federal project funded through legislation that provides for projects to be consistent with, or in accord with, the CALFED Program, would need to demonstrate compliance with this mitigation monitoring program as set forth in the Mitigation Monitoring Plan adopted at the time of the ROD and Certification of the PEIS/EIR.

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